



## Residence permits and travel documents for third-country nationals in the context of asylum

The information presented in this fact sheet is extracted from the [Asylum Report 2024](#) and covers developments in 2023 and early 2024. Direct link to the section: <https://euaa.europa.eu/asylum-report-2024/31341-daily-life-and-administrative-procedures>

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The recast [Qualification Directive](#) outlines the content of international protection to harmonise what a recognised beneficiary of international protection can expect under national policies. Its provisions shape the integration of beneficiaries of international protection through standards on residence permits, employment, education, social welfare and health care.

Beneficiaries of international protection in an EU+ country are generally issued a residence permit with the right to remain in the country. But legislation and practices can vary across countries, for example with regard to the duration of a residence permit. At the same time, beneficiaries can face delays in receiving a residence permit, for example because often their identity documents are lost while fleeing their country of origin.

Refugees are entitled to travel documents as foreseen in the [Geneva Convention](#), while beneficiaries of subsidiary protection may receive the national passport of their host country, under specific conditions. Obtaining documentation is often an administrative criterion for accessing other permits and rights for beneficiaries of international condition.





## Key developments in 2023

In 2023, EU+ countries implemented new legislation and policies to better define the conditions to acquire a residence permit. In addition, to safeguard the best interests of the child, many EU+ countries granted residence permits based on humanitarian or medical considerations to avoid asylum applicants facing a legal limbo. Nevertheless, some changes restricted access to residence permits.

### 1. Developments in EU+ countries

#### Legislation

- The Finnish Ministry of the Interior started working on legislative amendments to make residence permits based on international protection temporary. A permit based on refugee status would be valid for 3 years and a permit based on subsidiary protection for 1 year, with the possibility to extend it by 2 years. In addition, the proposal suggests withdrawing a person's international protection status and their residence permit based on that status if the person commits a serious offence in Finland that endangers public order and security or if the person endangers national security.<sup>1</sup>
- In Czechia, legislative amendments clarified that refugees are entitled to a travel document, while beneficiaries of subsidiary protection or humanitarian asylum (a national form of protection) can be issued a foreigner's passport.<sup>2</sup>
- The Swedish government proposed to remove the possibility of obtaining a residence permit based on particularly distressing circumstances. Residence permits could only be granted based on exceptionally distressing circumstances. The proposal would align the legal requirements for children and adults to be granted a permit, but in practice, the particular circumstances for children to qualify do not have to have the same level of seriousness and severity as for adults. The Swedish Migration Agency assessed that the change would make the legislation less complex and welcomed the proposal.<sup>3</sup>
- In Denmark, the Special Act for Persons having Assisted Danish Authorities etc. in Afghanistan was extended until 1 December 2025, meaning that the residence permits – if extended – are valid until the end of 30 November 2025. The Special Act was initially adopted in 2021 and originally granted a 2-year residence permit for Afghans who qualified for a temporary residence permit pursuant to the Special Act.<sup>4</sup>
- Under a legislative amendment in Italy which revised the criteria for the recognition of national protection, unaccompanied minors turning 18 are now issued a residence permit with a maximum duration of 1 year.<sup>5</sup>
- The Opportunity Residence Act came into force in Germany on 31 December 2022 and will remain valid until 30 December 2025 to allow tolerated persons (persons with Duldung) who have lived in the country for 5 years and who meet further conditions – first and foremost establishing their own identity – to obtain a special residence permit.<sup>6</sup>

- Act No 173/2023 amending Act No 325/1999 in Czechia stipulates that third-country nationals whose application for international protection has been rejected can no longer acquire permanent residence in Czechia by having lived in the country for 4 years.<sup>7</sup>

### Practices

- In Czechia, administrative fees for a residence card or replacing a damaged, lost or stolen card were reduced for beneficiaries of international protection.<sup>8</sup>
- In Iceland, the Directorate of Immigration launched a new web application, where it published information on residence permits for family members in Palestine.<sup>9</sup>
- The Non-Discrimination Ombudsperson in Finland made a series of recommendations to the government, in particular to amend the Aliens Act so that more victims of human trafficking can meet the conditions to obtain a residence permit.<sup>10</sup>

### Digitalisation

- The Ministry of Migration and Asylum upgraded the Greek Asylum Service's unified information system for reception and asylum to "Alkyoni II" in May 2023. With the upgrade, users can renew the International Protection Applicant's Card and the Uniform Format Residence Permit, in addition to requesting travel documents.<sup>11</sup> Refugee Support Aegean expressed concern when technical glitches resulted in the suspension of services from May-August 2023, exposing some applicants to the risk of detention and deportation.<sup>12</sup>
- A preliminary study on the reform of the Aliens Act in Finland concluded that the immigration and asylum systems need to be further digitalised to better serve clients and uphold fundamental and human rights.<sup>13</sup> The most urgent reform by the Ministry of the Interior is to simplify and streamline the residence permit system. The initiative forms part of a pilot project funded by the European Commission to formalise an EU regulation on a digitalised EU residence permit card, with a 2D barcode including biometric data.<sup>14</sup>
- The Migration Department of the Lithuanian Ministry of the Interior began to issue digital residence permits to beneficiaries of temporary protection from Ukraine. The digital temporary residence permit, which includes biometric data, is issued in a PDF format in English and Lithuanian through the Lithuanian Migration Information System (MIGRIS). This has resulted in savings in cost, time and staff availability, in addition to accelerating the extension of the permits. Limitations reported by the Migration Department were linked to technical issues, the lack of digital literacy, and interoperability and standardisation of a digital document across Member States.<sup>15</sup>

## 2. Statelessness and documentation

- The Portuguese Parliament passed a [law](#) in August 2023 that defines a stateless person and recognises that those who meet the criteria of the 1954 Convention are entitled to both stateless status and a travel document. The law amends existing provisions of the Asylum Act and the Immigration Act.

- The Council of Ministers in Belgium approved a reform on 9 March 2023 that enables stateless persons who are already residing in Belgium to apply for a 5-year temporary residence permit. Following the reform, a permanent resident visa may be issued if the individual still fulfils the requirements after 5 years, while currently stateless people can only rely on a residence permit for humanitarian reasons.<sup>16</sup> The reform also introduces a right of residence for stateless persons who do not qualify for international protection, providing greater legal certainty for this group of people.<sup>17</sup>
- UNHCR welcomed the proposals in Belgium but noted that the law in its current form risked weakening protection by adding a statelessness determination procedure in parallel to the residence permit procedure, and thus introducing additional criteria.<sup>18</sup> Nansen and the European Network on Statelessness (ENS) agreed that the hybrid character of the proposed procedure may give rise to several legal questions and suggested to quickly introduce an information campaign for all stakeholders.<sup>19</sup>
- UNHCR estimated that there were at least 35,000 stateless people in Ukraine,<sup>20</sup> while other sources suggested that there may be many more.<sup>21</sup> Stateless people fleeing the conflict in Ukraine faced additional challenges in obtaining temporary protection, as they lacked citizenship or documentation, making it difficult to prove their link to Ukraine.<sup>22</sup>

### 3. Temporary protection

- Throughout 2023, all EU+ countries began to prolong the validity of residence permits issued to beneficiaries of temporary protection or an equivalent status.<sup>1</sup> In addition, some countries – namely Croatia, Czechia, Estonia, France, Germany, Italy and Portugal – allow temporary protection status to be converted into residence permits for employment or family reunification.<sup>23</sup>
- Measures to delimit eligibility for temporary protection were implemented in some countries in 2023, including at the appeal stage. In Finland, for example, third-country nationals who resided in Ukraine on the basis of a temporary residence permit are no longer granted temporary protection.<sup>24</sup>
- This was already the case in the Netherlands in 2022, but the Dutch Council of State [ruled](#) in 2024 that the State Secretary cannot end temporary protection for third-country nationals who had resided in Ukraine on a date different than specified in the EU directive. Thus, temporary protection for this group in the Netherlands ended on 4 March 2024, instead of 4 September 2023. However, after the Dutch Council of State referred questions to the CJEU for a preliminary ruling, the legal consequences of ending temporary protection on this date were frozen. This does not mean that this group continues to fall under temporary protection, but they may continue to use facilities as if they were.<sup>25</sup>

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<sup>1</sup> Denmark, Iceland, Norway and Switzerland are not bound by the Temporary Protection Directive but have implemented similar national protection provisions. More information can be found on [Who is Who: Temporary protection for displaced persons from Ukraine](#)

## 4. Case law related to residence permits and travel documents

### Judgments by the CJEU

- In *S.S., N.Z., S.S., v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid)* (C-338/21), the CJEU [stated](#) that it was compatible with the Dublin III Regulation for a Member State to exercise discretion and give a suspensive effect to an appeal against a rejection of a residence permit for victims of human trafficking, in order to prevent a Dublin transfer. However, such an appeal, which was not directed against the transfer decision itself, could not be regarded as an appeal within the meaning of Article 27(3) or (4) of the Dublin III Regulation and therefore could not suspend the transfer deadline pursuant to Article 29(1).
- Ruling on a referral from the Dutch Council of State,<sup>26</sup> the CJEU [held](#) that diplomatic cards issued under the Vienna Convention on Diplomatic Relations are regarded as residence documents under the Dublin III Regulation. The court underlined that the issuance of a diplomatic card reflects the Member State's acceptance of a person's stay on its territory.
- In *A.L. v Swedish Migration Agency (Migrationsverket)* (C-629/22), the CJEU [interpreted](#) Article 6(2) of the Returns Directive and clarified the steps of return proceedings in cases in which a third-country national was staying illegally in a Member State despite holding a residence permit or permission to stay in another Member State. In these cases, before adopting a return decision, Member States are required to request the third-country national to leave voluntarily, irrespectively of whether the authorities considered it likely or not that the national will comply with the request. The CJEU noted that Article 6(2) had a direct effect. If the national authority failed to fulfil the obligations set out in Article 6(2), the competent national authorities and courts were required to take all necessary measures to remedy the failure.
- In an accompanying case, the CJEU [ruled](#) that national legislation may allow the implementation of a transfer decision to be suspended when the applicant requested the review of a rejection of a residence permit on grounds of being a victim of human trafficking, but it may not provide for the suspension or the interruption of the transfer time limit. The Dutch Council of State delivered its [judgment](#) based on these rulings and confirmed that the transfer time limit had expired.

### Judgments by national courts

- In the Netherlands, the Court of the Hague [referred](#) questions to the CJEU concerning the effective date of a residence permit issued to refugees in relation to the date of application for international protection.
- The Polish Supreme Court [examined](#) whether the provisional document issued to an applicant by Italian authorities in connection with an international protection procedure could be regarded as a residence document within the Dublin III Regulation. It concluded that the document was issued to prove an application for international protection, and thus, it was not a residence permit.

- In Malta, the Court of Appeal [decided](#) that, when renewing residence permits under the Specific Residence Authorisation Policy, the authorities should consider the criteria that were in force at the time of the first application. For example, the more restrictive criteria of the new, revised policy cannot be applied for extensions of permits granted under the previous policy.
- The Swiss Administrative Court [ruled](#) that an Afghan with temporary admission cannot be required to obtain a passport from his country of origin, and thus, a foreign national passport must be issued to him.
- The Tribunal of Bologna [clarified](#) that an application for a residence permit for special protection must be formalised even when the requesting person lacks a passport or other identity documents.
- The Danish Refugee Council noted a change in the approach in the Refugee Appeals Board's reasoning following [criticism](#) from the UN Committee on the Rights of the Child (UN CRC) in 2022. The Refugee Appeals Board [decided](#) to grant a residence permit to a family in which the daughter would have been at risk of FGM/C if returned to Somalia.



To search for more developments by topic, country or year, consult the [National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

For more information, please contact: [asylum.report@euaa.europa.eu](mailto:asylum.report@euaa.europa.eu)

## Sources

Please see [Sources on Asylum 2024](#) for the full list of over 1,300 references which were consulted for the Asylum Report 2024.

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